

**ORDINANCE NO. 375**  
**ORDINANCE OF THE CITY OF SAN RAMON**  
**REPEALING CHAPTER IX, MASSAGE SERVICES OF**  
**DIVISION 7, PUBLIC PEACE, MORALS AND WELFARE OF**  
**TITLE B, REGULATIONS OF THE MUNICIPAL CODE OF**  
**THE CITY OF SAN RAMON AND**  
**ADOPTING A REVISED CHAPTER IX, MASSAGE SERVICES OF**  
**DIVISION 7, PUBLIC PEACE, MORALS AND WELFARE OF**  
**TITLE B, REGULATIONS OF THE MUNICIPAL CODE OF**  
**THE CITY OF SAN RAMON**

THE CITY COUNCIL OF THE CITY OF SAN RAMON DOES ORDAIN as follows:

Section 1: Chapter IX, Massage Services, Division 7 (Public Peace, Morals and Welfare) of Title B (Regulations) of the Municipal Code is hereby repealed in its entirety.

Section 2. The following Sections B7-181 through B7-226 are adopted and compiled in Division 7, PUBLIC PEACE, MORALS AND WELFARE Title B, REGULATIONS of the Municipal Code of the City of San Ramon.

**Chapter IX**  
**Massage Services**

**Article 1**

**Definitions**

**B7-181. General.**

For the purpose of this Chapter, the following words and phrases are defined as follows:

- A. "Applicant", in the case of a massage establishment permit, means an individual, or if not an individual, the general partner, chief executive officer, chief advisor, or other person responsible for the ownership and operation of the massage establishment, who applies to obtain a permit under this Chapter. In the case of a massage therapist permit, "applicant" means an individual who applies for a permit under this Chapter.
- B. "Employee" means any person working for the permittee of a massage establishment or outcall massage service.
- C. "Massage" means the treatment of the human body by soft tissue manipulation using a variety of manipulative techniques, which may include any method of pressure on, friction against, stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating the external parts of the human body with the hands or with the aid of any mechanical or electrical apparatus, or other appliances or devices, with or without such supplementary aids as rubbing alcohol, liniment, antiseptic, oil, powder, cream,

lotion, ointment, or other similar preparations. This may include body/mind/spirit integration, personal growth, physical or emotional relaxation and the relief of somatic pain or dysfunction. As used in this Chapter, massage includes bodywork and somatic therapies.

- D. "Massage establishment" means any establishment wherein massage is given, engaged in or carried on in exchange for consideration of any type, or permitted to be given, engaged in or carried on in exchange for consideration of any type, either as a primary or secondary function, including, but not limited to, any full-services salon establishment in which massage services are made available to clients.
- E. "Massage therapist" means any person possessing a permit required and issued under this Chapter who administers to another person massage in return for any consideration whatsoever.
- F. "Managing employee" means any employee of a massage establishment who has been designated by the massage establishment applicant to manage the business.
- G. "Permit" means the permit to engage in the practice or business of massage as required by this Chapter.
- H. "Person" means any individual, co-partnership, firm, association, joint stock company, corporation, joint venture, or combination of individuals of whatever form or character.
- I. "Police Chief" means the Police Chief of the City of San Ramon or the Police Chief's designee.
- J. "Recognized school of massage" means any school or institution of learning which requires a resident course on the theory, ethics, history, practice, methods, profession or work of massage; provides a diploma or certificate of graduation upon successful completion; and has been approved by the State of California pursuant to provisions of the California Education Code governing postsecondary and vocational educational institutions.

If said school or institution of learning is not located in the State of California, it shall comply with standards commensurate with those required in California Education Code section 94311 and shall obtain approval under any similar State approval program, if such exists. Any school or institution of learning offering or allowing correspondence course credit not requiring actual attendance at class, or a course of massage not approved by the California Department of Education shall not be deemed a "recognized school of massage".

**B7-182. Reserved**

## **Article 2 Permit Requirement**

### **B7-183. Massage Establishment.**

Massage Establishment Permit: It shall be unlawful for any person to operate or allow the operation of a massage establishment or an outcall massage service without a valid permit. A separate permit shall be obtained for each separate massage establishment.

### **B7-184. Massage Therapist.**

Massage Therapist Permit: It shall be unlawful for any person to engage in, conduct or carry on the function of a massage therapist without first having obtained a massage therapist permit issued by the Police Chief pursuant to this Chapter.

### **B7-185. Temporary Permits.**

No temporary permits will be issued.

### **B7-186. Additional Permits.**

Additional Permits: Permits required under this Chapter shall be in addition to any other license, permit, or requirement required under Federal, State, or City law or regulation. A permit issued under this Chapter does not authorize the applicant to practice massage until the applicant has complied with all business license requirements, zoning/planning requirements, and all other applicable Federal, State, and City laws or regulations.

### **B7-187. Permit Exemptions.**

The permit requirements of this Chapter shall not apply to the following persons while engaged in the performance of their duties:

- A. Physicians, surgeons, chiropractors, osteopaths, nurses, physical therapists, or acupuncturists who are duly licensed to practice their respective professions in the State.
- B. Barbers, beauticians, cosmetologists, and estheticians who are duly licensed under the laws of the State while engaging in practices within the scope of their licenses.
- C. Hospitals, nursing homes, sanitariums, or any other health facility duly licensed by the State.
- D. Accredited high schools, junior colleges, colleges, or universities whose coaches and trainers are acting within the scope of their employment.
- E. Trainers of amateur, semiprofessional or professional athletes or athletic teams while engaging in their training responsibilities for and with athletes; and trainers working in conjunction with a specific athletic event such as road races, track meets, triathlons, biathlons, or similar single occurrence athletic or recreational events.

### **B7-188. Reserved**

**Article 3**  
**Education, Certification, and Association Requirements**

**B7-189. Vocational Training and Associations.**

A. Each applicant shall either:

1. Possess an original diploma, original certificate of graduation, or other written proof, including certified sealed transcripts, acceptable to the Police Chief from a recognized school of massage approved pursuant to Education Code Section 290007.5, college, junior college, or university which shows satisfactory completion of at least five hundred (500) hours of a nonrepetitive curriculum which shall include the following:

- (i) three hundred (300) hours of formal education and training in massage therapy and/or bodywork, ethics, anatomy, and physiology, and
- (ii) two hundred (200) hours of adjunct/related education and/or professional experience.

2. Have certification pursuant to the National Certification Board for Therapeutic Massage and Bodywork. The applicant shall present original documents showing such certification at the time of application.

If the school is outside the state, it must meet equivalent standards as determined by the Police Chief. A school offering correspondence courses in massage, not requiring actual attendance in a class, shall not be deemed a “recognized school” for the purpose of this chapter. The Police Chief shall have a right to confirm the fact that the applicant has actually attended classes in a recognized school.

B. Each applicant shall be a member, in good standing, of a State or national professional association devoted to the massage specialty and therapeutic enhancement approach. The organization shall meet the following requirements:

- 1. The organization or association promotes participation in continuing education programs as a condition of continuing membership;
- 2. The organization or association has an established code of ethics and has enforcement procedures for the suspension and revocation of membership of persons violating the code of ethics; and
- 3. The organization or association is open to members of the general public, meeting the requirements for membership on a regional, Statewide, or national basis, and is devoted to serving the interests of its members, the public, and the profession.

C. Each applicant for a massage establishment permit who signs a declaration under penalty of perjury that such applicant will not personally engage in the practice of massage is exempt from the educational, certification, and association requirements set forth in this Section.

**B7-190. Reserved**

**Article 4  
Massage Establishment Permit Application And Fee**

**B7-191. Application and Fees.**

- A. Each applicant for a massage establishment permit shall file a written application with the Police Chief on a form provided by the Police Chief.
- B. Each application shall be accompanied by a nonrefundable fee, in an amount established by resolution of the City Council. The application fee shall be used to defray, in part, the costs of the investigation and report, and is not made in lieu of any other fees or taxes required under this Code.

**B7-192. Identification.**

- A. Each applicant shall submit the following information in the application under penalty of perjury:
  - 1. The full, true name under which the business will be conducted.
  - 2. The present or proposed address where the business is to be conducted.
  - 3. The applicant's full, true name, including all other names used presently or in the past, date of birth, valid California driver's license number or identification number, social security number, present residence address and telephone number, gender, height, weight, color of hair, and color of eyes.
  - 4. The applicant's seven (7) most recent street addresses and the dates of residence at each address.
  - 5. The name, street address, and telephone number of each other business in which the applicant has been employed within the past seven (7) years along with the dates of employment and positions held by the applicant. Applicant shall provide proof that within the seven (7) years preceding submission of the application, the owner, operator, manager, and/or responsible managing officer/employee has not:
    - a. Had a massage establishment, massage therapist, or other similar permit or license denied, suspended, or revoked by any City, or any other Federal, State or local agency;
    - b. Engaged in conduct or operated a massage or similar establishment in a manner that would be grounds for denial, suspension, or revocation of a permit under this Chapter; or
    - c. Owned or managed a massage establishment or similar establishment where persons required to be licensed were allowed to work without the required license or permit.

6. A statement of the permit history of the applicant by identifying whether or not such person has ever held a professional or vocational license or permit, other than is required under this Chapter, issued by any agency, board, city, county, territory, or state; the date of issuance of such permit or license; whether or not the permit or license is still in effect; if the permit or license is no longer in effect, whether or not it was revoked or suspended, and if so, the reason(s) therefore. The name and location of the jurisdiction or agency, which suspended or revoked such license, certificate, permit, or other authorization, shall also be included.

7. The name and street address of any other massage business operated or managed by the applicant during the last seven (7) years.

8. A statement whether the applicant intends to personally provide massage services at the business.

**B7-193. Education and Training.**

Except as provided in Article 3, B7-189C of this Chapter, an original diploma, certificate of graduation, or other written proof, including certified sealed transcripts, acceptable to the Police Chief or written proof of the applicant's successful completion of the National Certification Board for Therapeutic Massage and Bodywork examination showing that the applicant has met the requirements of Article 3, B7-189A of this Chapter.

**B7-194. Massage Establishment Additional Contents.**

A. Except as provided in Article 3, B7-189C of this Chapter, written proof that the applicant is a member, in good standing, of a State or national professional association devoted to the massage specialty and therapeutic enhancement approach as required by Article 3, B7-189B of this Chapter.

B. A statement whether the applicant has been convicted or entered a plea of nolo contendere in a court of competent jurisdiction of any of the offenses listed below.

1. Conduct which requires registration under California Penal Code section 290.

2. Conduct which is in violation of California Penal Code section 220, 245.3, 245.5, 261, 264.1, 266(e), 266(h), 266(i), 314, 315, 316, 318, 647(a), 647(b), or 647(d); or any offense involving theft of property.

3. Crimes that are designated in California Government Code section 51032(b), felony sale of controlled substance.

4. Any other crime involving dishonesty, fraud, deceit, violence, or moral turpitude.

5. Conspiracy or attempt to commit any of the afore-designated offenses.

Convictions that have been expunged and convictions under the laws of other jurisdictions, which proscribe the same or similar conduct, as the afore-designated crimes shall be reported.

Whether the applicant has been subjected to a permanent injunction against the conducting or maintaining of a nuisance pursuant to sections 11225 through 11235 of the California Penal Code, or any similar provisions of law in a jurisdiction outside the State.

- C. The name, street address, and telephone number of any massage business or other like establishment owned or operated by any person whose name is required to be given pursuant to this Section.
- D. Documentation to prove that the applicant has a lawful right to work in the United States.
- E. If the applicant is a corporation or partnership, each designee shall complete and sign all application forms required of an individual applicant under this Chapter and shall, at all times, meet all of the requirements set for applicant by this Chapter.
- F. The fingerprints of the applicant for the purpose of establishing identification. Fingerprinting shall be taken at a place designated by the Police Chief.
- G. The name and street address of the owner and lessor of the real property on which the massage establishment is to be conducted. In the event the applicant is not the legal owner of the property on which the massage establishment is located, the application shall be accompanied by a copy of the lease and an acknowledgment from the owner of the property that a massage establishment will be located on the property.
- H. Proof of massage malpractice insurance in the sum of not less than one million dollars (\$1,000,000.00) per applicant. In the case of a massage establishment who employs individual massage therapists, this requirement can be satisfied by a group or umbrella malpractice insurance policy of not less than one million dollars (\$1,000,000.00) being provided in the name of the massage establishment owner.
- I. Written authorization for the City, its agents, and employees to seek information and conduct an investigation into the truth of the statements set forth in the application and into the background of the applicant and the responsible managing officer/employee of the massage establishment.
- J. Such other identification and information shall be provided as required by the Police Chief, necessary to discover the truth of the matters specified and required in the application.

**B7-195. Investigations.**

Upon receipt of an application, the Police Chief shall review the application and supplementary material. If it is clear from the face of the application and supplementary material that the applicant is not qualified for the permit sought or if the required fee has not been paid, the application may be denied without further investigation. If it appears from the face of the application and supplementary material that the applicant may be eligible for the permit sought, the Police Chief shall verify the information submitted by the applicant and shall further investigate the qualifications of the applicant as follows:

- A. The Police Chief shall photograph the applicant, take a full set of the applicant's fingerprints, and submit the fingerprints to the Department of Justice for evaluation. Upon receipt of the report from the Department of Justice, the Police Chief shall review the criminal history (if any) of the applicant;
- B. The Police Chief may conduct additional investigations in a manner authorized by law when necessary to determine if the applicant meets the qualifications for a permit pursuant to this Chapter;
- C. Upon receipt of an application for a massage establishment permit, the Police Chief shall refer the application to the City's Fire and Building Departments, who shall review the application and inspect the premises to ensure that it will comply with applicable ordinances, including, but not limited to, building, health, and fire safety ordinances. Any modifications in the proposed site that are required to meet City standards shall be completed and all fees shall be paid before the application will be considered for approval by the Police Chief.

**B7-196 and B7-197. Reserved**

**Article 5**

**Massage Therapist Permit Application And Fee**

**B7-198. Application And Fees.**

- A. Each applicant for a massage therapist permit shall file a written application with the Police Chief on a form provided by the Police Chief.
- B. Each application shall be accompanied by a nonrefundable fee, in an amount established by resolution of the City Council. The application fee shall be used to defray, in part, the costs of the investigation and report, and is not made in lieu of any other fees or taxes required under this Code.

**B7-199. Identification.**

Each applicant shall submit the following information and/or document(s) under penalty of perjury:

1. Each applicant shall provide the name, street address, and telephone number of each other business in which the applicant has been employed within the past seven (7) years along with the dates of employment and positions held by the applicant.
2. The applicant's seven (7) most recent street addresses and the dates of residence of each address.
3. The full name, street address, and telephone number of each business premises in which the massage therapist administers massage.

**B7-200. Education and Training.**

As required by Article 4, B7-189A of this Chapter, an original diploma, certificate of graduation or other written proof, including certified sealed transcripts, acceptable to the

Police Chief, that the applicant has met the education requirements set forth, or written proof that the applicant has successfully completed the National Certification Board for Therapeutic Massage and Bodywork examination.

**B7-201. Massage Therapist Additional Contents.**

- A. As required by Article 3, B7-189B of this Chapter, written proof that the applicant is a member, in good standing, of a State or national professional association devoted to the massage specialty and therapeutic enhancement approach.
- B. As required by Article 4, B7-194H of this Chapter, written proof of massage malpractice insurance.
- C. Documentation to prove that applicant has a lawful right to work in the United States.
- D. Applicant shall state the types of massage to be administered on application form and show qualifying documentation.
- E. Each applicant shall provide written authorization for the City, its agents, and employees to seek information and conduct an investigation into the truth of the statements set forth in the application and into the background of the applicant.

**B7-202. Investigations.**

Upon receipt of an application, the Police Chief shall review the application and supplementary material. If it is clear from the face of the application and supplementary material that the applicant is not qualified for the permit sought or if the required fee has not been paid, the application may be denied without further investigation. If it appears from the face of the application and supplementary material that the applicant may be eligible for the permit sought, the Police Chief shall verify the information submitted by the applicant and shall further investigate the qualifications of the applicant as follows:

- A. The Police Chief shall photograph the applicant, take a full set of the applicant's fingerprints, and submit the fingerprints to the Department of Justice for evaluation. Upon receipt of the report from the Department of Justice, the Police Chief shall review the criminal history (if any) of the applicant;
- B. The Police Chief may conduct additional investigations in a manner authorized by law when necessary to determine if the applicant meets the qualifications for a permit pursuant to this Chapter.

**B7-203 through B7-206. Reserved**

**Article 6  
Permit Issuance Or Denial**

**B7-207. Issuance Or Denial.**

- A. The Police Chief shall issue or deny the application for a permit within sixty (60) days of a completed application. When necessary, the Police Chief may extend the time in order to issue or deny the application.
- B. The Police Chief shall deny a permit if any of the following circumstances exist:
  - 1. The application is incomplete and/or required supplementary material is not submitted within thirty (30) days of the date the material is requested;
  - 2. The applicant does not have sufficient proof of the required educational or certification requirements and association qualifications pursuant to Article 3, B7-189A and B7-189B of this Chapter, unless the applicant is exempt from these requirements as provided in Article 3, B7-189C of this Chapter;
  - 3. The operation as proposed by the applicant would not comply with all applicable ordinances and laws, including, but not limited to, the City's building, health, and fire safety ordinances;
  - 4. The applicant has previously had a massage establishment permit, massage therapist permit, or any similar license, certificate, or permit revoked by any City or any public agency.
  - 5. The applicant has made a material misrepresentation in the application or supplementary material submitted with the application;
  - 6. The applicant or any employee has committed an act involving dishonesty, fraud, or deceit with the intent to substantially benefit himself or herself, or another;
  - 7. The applicant has been successfully prosecuted under the Red Light Abatement Act (California Penal Code section 11225 et seq.) or any similar law in another jurisdiction.
  - 8. The applicant has been convicted of any of the offenses provided in Article 4, B7-194B of this Chapter.
  - 9. The name proposed for the massage establishment suggests that any service is available that is prohibited under this Chapter.
  - 10. The issuance of the permit is likely to be injurious to the health, safety, welfare, and interest of the people of the city.
- C. The Police Chief shall give written notice of the grounds for denial to the applicant personally or by first class mail, postage prepaid, at the address provided in the application.

**B7-208. Appeal Of Permit Denial**

The decision of the Police Chief to deny a massage establishment or massage therapist permit may be appealed to the City Council in the manner set forth in the Section A1-51 of this code.

**B7-209 and 210. Reserved**

**Article 7  
Other Requirements and Regulations**

**B7-211. Employment Of Minors.**

It is unlawful for the owner, proprietor, managing employee, or any other person in charge of any massage establishment to employ any person under eighteen (18) years of age.

**B7-212. Permits Nonassignable.**

No permit shall be sold, transferred, or assigned by the applicant or by operation of law, to any other person. Any such sale, transfer, or assignment, or attempted sale, transfer or assignment shall constitute an immediate revocation of the permit and the permit shall thereafter be null and void.

**B7-213. Change Of Name Or Location, Expansion Of Building.**

- A. No applicant shall operate under any name or conduct any massage establishment under any designation or location not specified in the permit.
- B. In the case of any proposed change of name, notification thereof shall be made to the Police Chief within thirty (30) days prior to the change. Any proposed change of name is subject to the approval of the Police Chief.
- C. Any proposed change of location of a massage establishment is subject to the approval of the Police Chief, in addition to compliance with all City ordinances and regulations.
- D. Any application for an expansion of a building of a massage establishment shall require compliance with this Chapter.
- E. In case of any change of location or expansion of the massage establishment, inspection thereof by the City's Fire and Building Departments shall be made as required in this Chapter within thirty (30) days of receipt of the application.

**B7-214. Display Of Permit.**

- A. The massage establishment permit and a copy of the permit of each and every massage therapist employed in the establishment shall be displayed in an open and conspicuous place on the premises.
- B. Each massage therapist application shall be issued a photograph identification badge from the Police Department, which shall also serve as a massage therapist permit. Every outcall massage therapist shall display the photograph identification badge on their person while working.

**B7-215. Responsibility Of Employer.**

It shall be the responsibility of the massage establishment applicant who has employed any person acting or purporting to act as a massage therapist or the employer of any person acting or purporting to act as a massage therapist to ensure that such person complies with the requirements of this Chapter.

**B7-216. Facilities And Operating Requirements.**

Every massage establishment and every massage therapist shall comply with standards established by the Contra Costa County Health Services for such businesses and practitioners and the following facilities and operations requirements:

- A. The massage establishment's premises and facilities shall meet and be maintained in a condition to comply with all applicable code requirements of the City and Contra Costa County, including, but not limited to, those related to the safety of structures, adequacy of the plumbing, lighting, heating, ventilation, waterproofing of rooms in which showers, water or steam baths are used, and the health and cleanliness of the facility.
- B. Massage establishments and massage therapists shall at all times have an adequate supply of clean sanitary towels, coverings, and linens. Towels, nondisposable coverings, and linens shall not be used on more than one client, unless they have first been laundered and disinfected. Disposable towels and disposable coverings shall not be used on more than one client. Soiled linens and paper towels shall be deposited in separate receptacles.
- C. In the massage establishment, wet and dry heat rooms, steam or vapor rooms or cabinets, toilet rooms, shower and bathrooms, tanning booths, whirlpool baths, and pools shall be thoroughly cleaned and disinfected as needed, and at least once each day when the premises are open, with a disinfectant. Bathtubs shall be thoroughly cleaned with a disinfectant after each use. All walls, ceilings, floors, and other physical facilities for the establishment shall be in good repair, and maintained in a clean and sanitary condition.
- D. All equipment used in the massage operation shall be maintained in a clean and sanitary condition. Instruments utilized in performing massage shall not be used on more than one client unless they have been sterilized, using standard sterilization methods.
- E. Clients of the massage establishment shall be furnished with a separate dressing room plus provision for safe storage of customer's valuables. Dressing rooms will be used only by clients of the same sex at the same time. Dressing rooms need not be separate from the room in which the massage is being performed.
- F. Toilet facilities shall be provided in convenient locations within the massage establishment and shall consist of at least one unisex toilet with lavatories or wash basins provided with soap and both hot and cold running water either in the toilet room or vestibule.

- G. A minimum of one wash basin for employees shall be provided at all times. The basin shall be located within or as close as practicable to the area devoted to performing of massage services. Soap and sanitary towels shall also be provided at each basin.
- H. Standard or portable massage tables with durable, washable plastic or other waterproof material as covering shall be used for massage. Beds, mattresses, and waterbeds may not be used in the administration of a massage.

**B7-217. Prohibited Conduct.**

- A. Massage shall be provided or given only between the hours of seven o'clock (7:00) A.M. and nine o'clock (9:00) P.M. No massage establishment shall be open and no client shall be in the establishment between nine o'clock (9:00) P.M. and seven o'clock (7:00) A.M.
- B. No person shall operate as an off-premises outcall massage therapist or administer a massage as herein defined between the hours of nine o'clock (9:00) P.M. and seven o'clock (7:00) A.M.
- C. No alcoholic beverages shall be sold, served, furnished, kept, consumed, or possessed on the premises of any massage establishment.
- D. No person while conducting business as an off premises outcall massage therapist, shall be in the possession of or under the influence of any alcoholic beverage or drugs.
- E. No owner, manager, operator, responsible managing employee, or applicant shall permit, and no massage therapist contractor shall offer or perform, any service other than those permitted under this Chapter.
- F. No applicant or employee of a massage establishment shall:
  - 1. Expose the sexual or genital part of the applicant/employee in the course of a massage; or
  - 2. Touch or expose the sexual or genital part of any other person in the course of a massage.

Sexual and genital parts shall include the genitals, pubic area, anus, and perineum of any person and the breasts of any female.

- G. No applicant or employee of a massage establishment shall place, publish or distribute or cause to be placed, published or distributed any advertising matter that depicts any portion of the human body that would reasonably suggest to prospective customers that any service is available that is prohibited under this Chapter nor shall any massage establishment employ language in any advertising text or business name that would reasonably suggest to a prospective client that any service is available that is prohibited under this Chapter.

**B7-218. Suspension And Revocation Of Permits.**

- A. The Police Chief may revoke or suspend any permit granted under this Chapter if any of the following are found:
  - 1. The applicant does not possess the qualifications for the permit as required by this Chapter;
  - 2. The applicant has been convicted of any violation of any provision of this Chapter;
  - 3. The applicant has engaged in conduct or operated a massage establishment or has engaged in conduct as a massage therapist in a manner which violates this Chapter, any conditions of the permit, or any of the laws which would have been grounds for denial of the permit;
  - 4. There is fraud, material misrepresentation, false statement, or omission of a material fact in any application for a permit or in any supplementary material;
  - 5. An activity authorized in the permit has been conducted in an unlawful manner or in such a manner as to constitute a menace to the health, safety, or general welfare of the public; or
  - 6. Upon a recommendation from the City and/or County officials, which states that such business is being managed, conducted, or maintained without regard for public safety or public health.
  - 7. For purposes of this Section, applicant, in the case of a massage establishment, shall include the managing responsible officer or managing employee.

**B7-219. Suspension Or Revocation Procedures**

The procedure for suspension or revocation of permits shall be as follows:

- A. If it appears at any time that good cause may exist for the Police Chief to suspend or revoke a permit, the Police Chief or his designee shall provide written notice of suspension or revocation. Should the Police Chief exercise authority granted him/her under authority of this section, the permittee shall be afforded reasonable opportunity to show cause why the permit should not be suspended or revoked. The decision to revoke or suspend a permit by the Police Chief shall be effective immediately.
- B. During such suspension period that may exist or occur as a result of the Police of Chief's immediate suspension, as granted under this section, said permit will be temporarily null and void, and the massage service within such establishment shall be prohibited.
- C. A change of ownership of the operator of the message establishment shall not affect the suspension or revocation of the police permit.

**B7-220. Appeal of Revocation or Suspension.**

The decision of the Police of Chief to suspend or revoke a massage establishment or massage therapist permit may be appealed to the City Council in the manner set forth in Section A1-51 of this code.

**B7-221. Burden Of Proof.**

Unless otherwise specifically prohibited by law, the burden of proof is on the applicant in any hearing or other matter under this Chapter.

**B7-222. Permit Duration And Renewal.**

- A. A permit shall be valid for one (1) year from the date of issuance unless revoked or suspended.
- B. An applicant may apply for a renewal of a permit thirty (30) days prior to the expiration of the permit. If, upon the thirty first day after the expiration of a permit, an application of renewal has not been received, the permit shall be deemed expired. Any permit issued under this Chapter shall be returned to the Police Chief within forty eight (48) hours of its expiration. No privilege to provide massage shall exist until an application for renewal has been granted. After a permit expires, a new application may be filed.
- C. Permits may be renewed annually by filing an application for renewal under penalty of perjury updating information in the original application provided to the Police Chief.
- D. To renew a permit under this Chapter, the applicant shall pay the City a nonrefundable fee in an amount set forth by resolution established by the City Council. A copy of the receipt for the nonrefundable fee shall accompany the application for renewal.
- E. After investigating the application for renewal, the Police Chief shall renew the permit if the applicant continues to meet the requirements for the issuance of a permit, and none of the grounds for denial of a permit set forth in this Chapter exist. The Police Chief shall renew the permit within thirty (30) days of such request if the information upon which the original application was granted remains unchanged and no violations of this Chapter have been committed.

**B7-223. Applicability To Existing Businesses.**

- A. All persons currently holding a valid massage establishment or massage therapist permit shall have two (2) years following the permit's expiration date in which to comply with all the requirements of this Chapter, except that persons applying for a license hereunder may substitute five years' continuous experience in lieu of the 500 hour education and training requirement.

- B. If an applicant does not attain compliance with this Chapter within the prescribed time limits, the Police Chief shall immediately suspend or revoke the applicant's permit(s).

**B7-224. Cease Of Business.**

If at any time during the duration of a permit issued under this Chapter an applicant ceases to do business as a massage establishment and/or a massage therapist, the applicant shall:

- A. Return any permit issued under this Chapter to the Police Chief within five (5) business days; and
- B. Notify the Business License Department.

**B7-225. Inspection.**

The Police Department shall, from time to time, make an inspection of each massage establishment for the purpose of determining compliance with this Chapter.

**B7-226. Enforcement.**

- A. It is the duty of the Police Chief to enforce rules and regulations in accordance with this Chapter.
- B. Pursuant to the City's prosecutorial discretion, the City may enforce violations of the provisions of this Chapter as criminal, civil and/or administrative actions.
- C. Any massage establishment operated, conducted, or maintained contrary to the provisions of this Chapter shall be unlawful and a public nuisance, and the City Attorney may, in the exercise of discretion, in addition to or in lieu of prosecuting a criminal action hereunder, commence an action or actions, proceeding or proceedings, for the abatement, removal and injunction thereof, in any manner provided by law.

Section 3. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid, it is the intention of the City Council that such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 4. This Ordinance shall take effect thirty (30) days from the date of its passing. Before the expiration of fifteen (15) days after its passage, this Ordinance shall be posted in three public places within the City of San Ramon along with the names of the members of the City Council voting for and against the same.

Attestation on following page

The foregoing Ordinance was introduced on \_\_\_\_\_ and was adopted on \_\_\_\_\_ by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

\_\_\_\_\_  
H. Abram Wilson, Mayor

ATTEST:

\_\_\_\_\_  
Patricia Edwards, City Clerk